

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

MARK KRULL

Plaintiff

v.

ICON HEALTH AND FITNESS,
INC. and TARGET CORPORATION

Defendant.

Civil Action No. 06-1650 JMR/PLN

COMPLAINT

Plaintiff, Mark Krull ("Krull"), for his complaint against Defendants, Icon Health and Fitness, Inc. ("Icon") and Target Corporation ("Target"), states and allege as follows:

THE PARTIES

1. Plaintiff Krull is an individual having a principal place of residence at 19558 Mammoth Drive, Bend, Oregon 97702.

2. Defendant Icon is a Utah corporation having a principal place of business at 1500 South 1000 West, Logan, Utah 84321. Icon manufactures, imports, distributes and sells fitness equipment throughout the United States, including Minnesota.

3. Defendant Target is a Minnesota corporation having a principal place of business at 1000 Nicollet Mall, Minneapolis, Minnesota 55403. Target is an upscale retailer that sells merchandise in stores throughout the United States, including Minnesota. Target also operates an online business at Target.com.

SCANNED

MAY 03 2006

U.S. DISTRICT COURT MPLS

JURISDICTION

4. This is an action for patent infringement that arises under the Acts of Congress relating to patents, 35 U.S.C. §§ 271, 281-285.

5. This Court has jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

COUNT 1: PATENT INFRINGEMENT

6. United States Patent No. 6,733,424 (“the (424) Patent”) entitled “EXERCISE RESISTANCE METHODS AND APPARATUS” was duly and legally issued to Krull on May 11, 2004. A copy of the (424) Patent is attached to this Complaint as Exhibit A.

7. The (424) Patent claims certain selectorized weight systems, including selectorized dumbbells.

8. Upon information and belief, Defendant Icon has infringed the (424) Patent by manufacturing, importing, offering to sell and/or selling products that are covered by one or more claims of the (424) Patent. The infringing products include at least the REEBOK SPEEDPAC selectorized dumbbell set.

9. Upon information and belief, Defendant Icon sells the REEBOK SPEEDPAC selectorized dumbbell set to Target for resale in Target's stores.

10. Defendant Target has infringed the (424) Patent by offering to sell and selling products that are covered by one or more claims of the (424) Patent. The infringing products include at least the REEBOK SPEEDPAC selectorized dumbbell set.

11. Upon information and belief, Defendant Icon has made, offered to sell and/or sold product that infringes claims in the (424) patent in the United States and in Minnesota.

12. Defendant Target offers to sell and sells product that infringes claims in the (424) patent in the United States and in Minnesota.

13. Krull provided Target with actual notice of the (424) patent in June of 2004. This notice was provided in a letter dated June 7, 2004 advising Target that certain selectorized dumbbells sold by Target at that time (Stamina Selectorized Dumbbells) infringed upon the (424) patent. A copy of the notice letter to Target is attached to this Complaint as Exhibit B.

14. The company supplying Target with the Stamina Selectorized Dumbbells subsequently entered into a patent license agreement with Krull, thereby resolving the matter.

15. Krull has suffered damages, including irreparable harm, as a result of Defendants' infringement of the (424) Patent, and will continue to suffer damages, including irreparable harm, in the future unless Defendants are enjoined from further infringement of the (424) Patent.

PRAYER FOR RELIEF

WHEREFORE, Krull prays for the following relief:

- (a) A judgment that Defendant Icon has infringed U.S. Patent No.6,733,424;
- (b) A judgment that Defendant Target has infringed U.S. Patent No.6,733,424;
- (c) A preliminary injunction enjoining and restraining Defendant Icon, its officers, directors, agents, servants, employees, attorneys and all others acting under or through it, directly or indirectly, from infringing U.S. Patent No. 6,733,424;
- (d) A preliminary injunction enjoining and restraining Defendant Target, its officers, directors, agents, servants, employees, attorneys and all others acting under or through it, directly or indirectly, from infringing U.S. Patent No. 6,733,424;

(e) A permanent injunction enjoining and restraining Defendant Icon, its officers, directors, agents, servants, employees, attorneys and all others acting under or through it, directly or indirectly, from infringing U.S. Patent No. 6,733,424;

(f) A permanent injunction enjoining and restraining Defendant Target, its officers, directors, agents, servants, employees, attorneys and all others acting under or through it, directly or indirectly, from infringing U.S. Patent No. 6,733,424;

(g) A judgment and order requiring Defendants Icon and Target to pay all appropriate damages under 35 U.S.C. § 284, including treble damages, with prejudgment interest;

(h) A judgment and order requiring Defendants Icon and Target to pay the cost of this action, including all disbursements, and attorney fees if this case is exceptional as provided by 35 U.S.C. § 285, with prejudgment interest; and

(i) Such other and further relief that this Court may deem just and equitable.

Dated: 02 May 06

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May 2, 2006

United States District Court
U.S. Courthouse
300 South Fourth Street
Minneapolis, MN 55415

HAND DELIVERED

Attn: Clerk of Court

Re: Mark Krull v. Target Corporation and Icon Health & Fitness, Inc.
Our Ref: KRULL002ZZPT01


Dear Sir or Madam:

Enclosed for filing please find the following:

1. Complaint;
2. Civil Cover Sheet;
3. Our draft in the sum of \$350.00 to cover filing fees.

If you have any questions, please contact the undersigned.

With kind regards,


Michael S. Sherrill

MSS/arh

Enclosure: Complaint
Civil Cover Sheet
Filing Fee - \$350.00

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DO MAY - 2 PM 4:52
CLERK, U.S. DIST. COURT
MINNEAPOLIS, MN